

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MINISTER TIMOTHY LUTHER McNAIR,

Plaintiff,

No. 2:16-cv-00871-SB

v.

ORDER

STATE OF OREGON, et al.,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Beckerman issued a Findings and Recommendation [88] on April 18, 2018, in which she recommends that this Court grant Defendant Foote's Motion to Dismiss [61], dismiss Claim Eighteen of Plaintiff's Third Amended Complaint for lack of subject matter jurisdiction, and deny as moot the St. Alphonsus Defendants' Motion for Summary Judgment [67]. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Plaintiff filed timely objections to the Magistrate Judge's Findings & Recommendation. Pl.'s Obj., ECF 90. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

The Court has carefully considered Plaintiff's objections and concludes there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no errors in the Magistrate Judge's Findings & Recommendation.

### CONCLUSION

The Court ADOPTS Magistrate Judge Beckerman's Findings and Recommendation [88] granting Defendant Foote's Motion to Dismiss [61]. Claim Eighteen of Plaintiff's Third Amended Complaint [33] is dismissed without prejudice for lack of subject matter jurisdiction. The Court denies as moot the Motion for Summary Judgment [67] filed by Defendants St. Alphonsus Medical Group, Andrew Spencer, and Charles Brioschi.

IT IS SO ORDERED.

DATED this 9 day of July, 2018.

  
MARCO A. HERNÁNDEZ  
United States District Judge